

Amendments to Senate Bill No. 191
1st Reading Copy

Requested by Senator Art Wittich

For the Senate Local Government Committee

Prepared by Leanne Kurtz
February 17, 2011 (9:19am)

1. Page 1, line 7 through line 17.
Strike: "WHEREAS" on line 7 through "inspection." on line 17
2. Page 2, lines 2 and 3.
Strike: "on" on line 2 through "executed" on line 3
Strike: "an offer for" on line 3
3. Page 2, line 4.
Strike: "or seller's agent"
4. Page 2, line 7 through line 11.
Strike: "WHERE" on line 7 through "INFRASTRUCTURE" on line 11
Insert: "THAT COLLECTS, TREATS, AND DISPOSES OF SEWAGE. A POORLY MAINTAINED SEPTIC SYSTEM MAY MALFUNCTION, DAMAGING PROPERTY AND DEGRADING WATER QUALITY. THE BUYER UNDERSTANDS THAT SEPTIC SYSTEMS REQUIRE REGULAR MAINTENANCE, REPAIR, AND POTENTIAL REPLACEMENT TO PROTECT PUBLIC HEALTH, WATER QUALITY, AND PRIVATE PROPERTY. IT IS THE BUYER'S OBLIGATION TO DETERMINE THE CONDITION OF THE SEPTIC SYSTEM. THE BUYER MAY HIRE A QUALIFIED INSPECTOR TO INSPECT THE SEPTIC SYSTEM AND ASSOCIATED INFRASTRUCTURE AND MAKE ANY CONTRACT CONTINGENT UPON THE RESULTS OF THAT INSPECTION"
5. Page 2, line 12.
Following: "If"
Insert: "the information is"
Strike: "after reasonable investigation"
Strike: "or the seller's agent"
Following: "shall provide"
Insert: "for the disclosure"
6. Page 2, line 13.
Strike: "or upon entry into a contract for"
7. Page 2, line 14.
Following: "system;"
Insert: "and
(b) any other records of septic system and drainfield maintenance, repair, and location."

8. Page 2, lines 15 through 18.

Strike: "(b)" on line 15 through "property." on line 18

9. Page 2, line 20.

Strike: "or the seller's agent"

10. Page 2, lines 23 and 24.

Strike: subsection (4) in its entirety

- END -

Explanation - With amendments #5 through #7, subsection (2) would read as follows:

(2) If the information is available, the seller shall provide for the disclosure to the buyer prior to the purchase of the inhabitable real property:

(a) the county permit for the septic system; and

(b) any other records of septic system and drainfield maintenance, repair, and location.

Explanation - With amendment #2 above, the first sentence of subsection (1) would read:

(1) A septic system disclosure statement must be provided prior to or contemporaneously with the purchase and sale of inhabitable real property served by a septic system.